

UNITED STATES DISTRICT COURT

for the

Northern District of California

24 Hour Fitness USA, Inc.

Plaintiff

v.

Apex Stores, LLC; Apex, LLC; Apex at Home, LLC

Defendant

Civil Action No. CV 08-1681-HRL

Summons in a Civil Action

To: *(Defendant's name and address)*

Apex, LLC
Apex at Home, LLC
100Main Street
Pawtucket, RI 02860

A lawsuit has been filed against you.

Within 10 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Susan E. Hollander, Esq. SBN 133473
Britt L. Anderson, Esq. SBN 212092
Manatt, Phelps & Phillips, LLP
One Embarcadero Center
San Francisco, CA 94111

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JUN 04 2008

Date: _____

Richard W. Wicking

Name of clerk of court

Tiffany Salinas-Harwell

Deputy clerk's signature

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on _____ by:

- (1) personally delivering a copy of each to the individual at this place, _____; or
- (2) leaving a copy of each at the individual's dwelling or usual place of abode with _____ who resides there and is of suitable age and discretion; or
- (3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is _____; or
- (4) returning the summons unexecuted to the court clerk on _____; or
- (5) other (specify) _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

Date: _____

Server's signature

Printed name and title

Server's address

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